

**BOARD OF EXAMINATION AND REGISTRATION OF ARCHITECTS
MINUTES OF MEETING OF THE BOARD**

DATE: May 16, 2007

**PLACE: Department of Administration
One Capitol Hill, Conference Room B
Providence, RI 02908**

MEMBERS PRESENT: Wilbur E. Yoder, James R. Carlson, Joseph A. Cirillo and Barbara Feibelman

OTHERS PRESENT: Adam J. Sholes, Special Assistant Attorney General

Dawne Broadfield, Board Executive

CALLED TO ORDER: Vice-Chair Yoder called the meeting to order at 3:37 pm. to commence Board business.

MINUTES OF THE MEETING OF THE BOARD

(1) Ms. Feibelman moved to approve the open meeting minutes of April 18, 2007 as published. Mr. Cirillo seconded. Motion approved.

(2) Ms. Feibelman moved to approve and seal the executive session meeting minutes of the April 18, 2007 as published. Mr. Cirillo seconded. Motion approved.

EXECUTIVE SESSION

(1) Secretary Carlson moved to convene into executive session at 3:40 p.m. pursuant to RI General Laws, §42-46-5 (a)(2) for sessions or work sessions pertaining to collective bargaining or litigation and §42-46-5 (a)(4) for investigative proceedings regarding allegations of civil or criminal misconduct. Ms. Feibelman seconded. Motion approved.

Secretary Carlson moved to adjourn from executive session and to reconvene to an open meeting at 4:03 p.m. pursuant to R.I.G.L. §42-46-4. Ms. Feibelman seconded. Motion approved.

Secretary Carlson moved to seal the executive session and record the votes taken in executive session pursuant to RI General Laws §42-46-4 and §42-46-5. Mr. Cirillo seconded. Motion approved to close drawings by your design; Paul E. North, RI Architect #3003; and Charles J. Nafie, Jr., #A-10,155.

Secretary Carlson moved pursuant to RI General Law §42-46-4 that the Board defer disclosure of all votes in executive session until such time as such disclosure would not jeopardize any strategy, negotiation, or investigation undertaken concerning RI General Law §42-46-5(a). Mr. Cirillo seconded. Motion approved.

(2) Secretary Carlson moved to reconvene into executive session at

4:12 p.m. pursuant to RI General Laws, §42-46-5 (a)(2) for sessions or work sessions pertaining to collective bargaining or litigation and §42-46-5 (a)(4) for investigative proceedings regarding allegations of civil or criminal misconduct. Ms. Feibelman seconded. Motion approved.

Secretary Carlson moved to adjourn from executive session and to reconvene to an open meeting at 4:25 p.m. pursuant to R.I.G.L. §42-46-4. Mr. Cirillo seconded. Motion approved.

Secretary Carlson moved to seal the executive session and record the votes taken in executive session pursuant to RI General Laws §42-46-4 and §42-46-5. Mr. Cirillo seconded. Motion approved.

Secretary Carlson moved pursuant to RI General Law §42-46-4 that the Board defer disclosure of all votes in executive session until such time as such disclosure would not jeopardize any strategy, negotiation, or investigation undertaken concerning RI General Law §42-46-5(a). Mr. Cirillo seconded. Motion approved.

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OLD BUSINESS

(1) Proposed “Rules of the Board”

Public Hearing: 4:00 p.m.

Vice-Chair Yoder announced the opening of the public hearing to adopt the Rules and Regulations changes at 4:04 p.m. Vice-Chair Yoder indicated that legal notice of this hearing was published in the

Providence Journal. The legal notice indicated that the proposed revised Rules and Regulations include the following format changes: to add a “Table of Contents,” to incorporate the “By-Laws,” to numerically organize sections contained and to add the exact National Council of Architectural Registrations Boards (NCARB) language of the Architectural Registration Examination (ARE) Rolling Clock dealing with the taking of the ARE . Those present at this hearing were: Wilbur E. Yoder, Vice-Chair; James R. Carlson, Secretary; Joseph A. Cirillo, Member; Barbara Feibelman, Member; Adam J. Sholes, Attorney General’s Office; Dawne Broadfield, Board Executive.

Vice-Chair Yoder then indicated the format that will be followed for this public hearing. First, written presentations are encouraged and will be accepted. The written presentations will be considered at the conclusion of the hearing prior to the final promulgation of the regulations. Second, oral statements may be made but will be limited to five minutes. Third, while this public hearing is not a forum to debate the substance of the proposed regulations, all comments, written and oral, will be considered prior to promulgation of the final rules.

Vice-Chair Yoder then indicated that in response to the legal notice that was published on April 10, 2007, the Board has not received any comments. Vice-Chair Yoder then asked if there were any written statements for submission at this public hearing.

Based on no persons being present for this public hearing, Secretary Carlson moved to close the public hearing at 4:10 p.m. Mr. Cirillo seconded. Motion approved.

Based on the public hearing being closed, Ms. Feibelman moved to adopt the Rules and Regulations for the Board of Examination and Registration of Architects dated January 17, 2007. Mr. Cirillo seconded. For the record, Secretary Carlson thanked Attorney Dennehy and Mrs. Broadfield for their work done on the Rules and Regulations. Motion approved.

(2) “Tech Note” – Meeting to be scheduled with the League of Cities and Towns, State Building Code Commissioner and the Board.

Mr. Cirillo has now been placed on the regular mandated meeting agenda of the building officials on Wednesday, August 29, 2007. The meeting is an all day meeting beginning at 9:00 a.m. at the West Valley Inn in West Warwick, RI.

(3) Discussion on “Disaster” – Continuity of Operations Plan (COOP)

(A) The Secretary of the Board will now keep the three-ring Disaster Manual at his/her office.

(B) The Board has now received the results of the “Business

Continuity Plan Questionnaire” that was compiled for the Department of Administration (DOA) by the State Division of Information Technology (DoIT) and their consulting team for this project, LBL Technology Partners and will review and comment at the next meeting.

(C) After final review, the COOP must be adopted by the Board and reviewed yearly in September.

(4) Discussion on “Pre-Set Fine Amounts for Violations”

Secretary Carlson stated that he brought this item to the table. Secretary Carlson stated that he has seen various states that have fixed fines for offenses committed. Secretary Carlson felt that there is no guidance, no history or no continuity for this Board. Mr. Cirillo felt that if the Board were to adopt this that it should be adopted in the law and not the rules and regulations. Vice-Chair Yoder felt that this needs to be given more thought, discussion and review. This matter has been continued to hear the Chair’s opinion.

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(5) 2007 National Council of Architectural Registration Boards (NCARB) Annual Meeting and Conference in Denver, Colorado (Discussion of the Resolutions).

Secretary Carlson moved to give the Board’s identified voting member, Chair Newbrook, the ability to vote his conscious on behalf

of the Rhode Island Board for any resolutions that come before the body. In Chair Newbrook's absence, Vice-Chair Yoder will have the ability to vote. Ms. Feibelman seconded. Motion approved.

BLUE BOOKS (RECIPROCITY)

(A) Secretary Carlson moved to approve the following Blue Books as submitted with an expiration date of December 31, 2007. Ms. Feibelman seconded. Motion approved.

(1) CAMPAIGNE, Russell T. (4) ONEY, John A.

(2) CRAVER, Louise K. (5) PETERSEN, Thomas G.

(3) ICKES, David Burton (6) WEAVER, Andrew T.

BLUE BOOK (REINSTATEMENT)

(A) Secretary Carlson moved to approve the reinstatement of the Blue Book as presented with an expiration date of December 31, 2007. Ms. Feibelman seconded. Motion approved.

(1) MAUGEL, Brent A., #3140

GREEN BOOKS (APPROVAL TO TAKE ARCHITECTURAL REGISTRATION EXAM)

(A) Mr. Cirillo moved to approve the following Green Book as submitted. Secretary Carlson seconded. Motion approved.

(1) CHIEFFALO, Michael

CERTIFICATES OF AUTHORIZATION APPLICATIONS (See Attached List)

(A) Secretary Carlson moved to approve the application for Certificate of Authorization for the Sole Proprietorship for Kevin Cleary Architect as submitted. Mr. Cirillo seconded. Motion approved.

(B) Secretary Carlson moved to approve the Name Change application for Certificate of Authorization for the Sole Proprietorship for Litman Architecture as submitted. The former name was J. Litman Architect. Mr. Cirillo seconded. Motion approved.

(C) Secretary Carlson moved to approve the applications for Certificates of Authorization for the Limited Liability Companies for Cube 3 Studio, LLC; Prout Robert Elias, LLC; Windigo Architecture, LLC. Mr. Cirillo seconded. Motion approved.

(D) Secretary Carlson reviewed the Certificate of Authorization for the Limited Liability Company for Duany Plater-Zyberk & Co., LLC. Duany Plater-Zyberk & Co., LLC has admitted to soliciting prior to being registered. Secretary Carlson stated that based on what he knows the firm has done planning. He did not know whether it was architecture or not.

Ms. Feibelman moved to send a letter to Duany Plater-Zyberk & Co.,

LLC indicating that the firm answered yes to the question on the Initial Certificate of Authorization application asking if the firm practiced or solicited architectural work in this State prior to having been licensed but the attachment submitted described planning work, have you offered to provide architecture and the Board will hold action on this application until the response is received and will be reviewed next month. Secretary Carlson seconded. Motion approved.

(D) Secretary Carlson moved to approve the applications for Certificates of Authorization for the Corporations for Bignell Watkins Hasser Architects, P.C. and Leers Weinzapfel Associates Architects, Inc. Ms. Feibelman seconded. Motion approved.

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(E) Secretary Carlson moved to approve the Amended Change in Responsible Control adding Philip Lee Laird application for Certificate of Authorization for the Corporation for Architectural Resources Cambridge, Inc. as submitted. Ms. Feibelman seconded. Motion approved.

(F) Secretary Carlson moved to accept the response received for the application for Certificate of Authorization for the Corporation for Bignell Watkins Hasser Architects, P.A. requesting that the firm provide the Board with a list of any projects in Rhode Island. The response indicated that the firm does not have any current projects in Rhode Island. Ms. Feibelman seconded. Motion approved.

(G) Secretary Carlson indicated that the Board received an inquiry from the Rhode Island Secretary of State on a Limited Liability Company Articles of Organization application that they received from Inclusions by Design LLC. This firm does not hold a Certificate of Authorization with this Board. The Board sent a letter to Ms. Rosanne Ramos, Inclusions by Design, LLC asking her to provide a list of any and all projects that she is currently designing other than one or two family dwellings. Ms. Ramos responded and listed one project. The client is Southside Community Land Trust. The project is a plan for Accessibility and Inclusive Garden. The project type is probono joint venture. The joint venture team is Inclusion by Design LLC and Truth Box Inc. Architects and Andrew Arbaugh, landscape designer. Based on the response, Secretary Carlson indicated that it appears as though Ms. Ramos is working with an architect.

Secretary Carlson moved to send Ms. Rosanne Ramos, Inclusions by Design, LLC, a copy the law indicating that the Board has no record of her being a registered architect and therefore she cannot practice architecture or call herself an architect, to ask Ms. Ramos to remove the term “architecture” from her purpose on the Limited Liability Company (LLC) Article of Organization application and to copy the Secretary of State telling them not to approve her application with the word or any derivative of the word “architecture” in her LLC application, to verify that Truth Box, Inc is the architect of record for the Southside Community Land Trust Project and in responsible

control, to notify Ms. Ramos of the Landscape Architect State statute and to notify the Board of Examiners of Landscape Architects. Mr. Cirillo seconded. Motion approved.

(H) The Board sent a letter to The Johnson Studio asking the firm to certify that the firm is not currently practicing architecture in the State of Rhode Island. To date, the Board has not received a response. Secretary Carlson moved to continue. Mr. Cirillo seconded. Motion approved.

(I) Sage Architecture + Design, LLC

Present at 4:32 p.m. were: Michael W. Carroll, Esq.

Sheila Haggerty Craig, RI Architect #3286

Batool Burney

Attorney Carroll introduced himself and Sheila Haggerty Craig and Batool Burney. Attorney Carroll noted that Ms. Craig was a Rhode Island registered architect and Ms. Burney has architectural schooling but was not an architect. They were before the Board to discuss the formation of a Limited Liability Company (LLC) that Ms. Craig and Ms. Burney are in the process of forming to qualify for a Certificate of Authorization from this Board. Since the LLC would be made up of two people, one who is a registered architect and one who is not, the formation would not comply with the statute requiring two-thirds of the managers (or members if there are no managers)

registered under the laws of any state or any reciprocal jurisdiction as defined by the National Council of Architectural Registration Boards to practice architecture or engineering. Attorney Carroll told the Board that he formed the LLC with Sheila Haggerty Craig as the only manager, 100%, which complies with the statute. Ms. Craig is 67% owner and Ms. Burney is 33%. Based on the information provided, Attorney Carroll asked the Board to grant provisional approval of the Certificate of Authorization.

Secretary Carlson told Attorney Carroll that by way of history of the Board that this matter has been before the Board numerous times and those applications have not been approved.

Secretary Carlson moved under the Certificate of Authorization action to defer action on the issue of Sage Architecture + Design, LLC and request legal opinion to be sent to the Board prior to the Board's next meeting from Attorney Peter Dennehy. Mr. Cirillo seconded. Motion approved.

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Attorney Carroll thanked the Board and Attorney Carroll, Sheila Haggerty Craig and Batool Burney left at 4:48 p.m.

Ms. Feibelman questioned the formation of a Limited Liability Company. Attorney Carroll indicated that the LLC could include the architect as a manager, and the LLC would not tell the Board the

ownership or list the other person, since that person is not a manager. It was Ms. Feibelman's understanding that all owners in a LLC are managers.

Ms. Feibelman will email Attorney Peter Dennehy explaining this matter, so that he understands the issue clearly, and ask for clarification of what a member of a LLC is.

NEW BUSINESS

(1) Annual Meeting – Election of Officers

Ms. Feibelman moved to continue the current slate of officers as follows: Dana M. Newbrook, Chair; Wilbur E. Yoder, Vice-Chair; and James R. Carlson, Secretary. Mr. Cirillo seconded. Motion approved.

ADJOURNMENT

Vice-Chair Yoder informed the Board that the next Board meeting is scheduled for June 27, 2007 at 3:30 p.m. at One Capitol Hill, Conference Room B, Providence, RI 02908. Secretary Carlson moved to adjourn the meeting at 5:24 p.m. Mr. Cirillo seconded. Motion approved.

Respectfully submitted,

**James R. Carlson, NCARB, AIA
Secretary**

JRC/dmb

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C. O. A. APPLICATIONS

Board Meeting of 16 MAY 2007

SOLES

KEVIN CLEARY ARCHITECT - 0 – APPROVED – 05/16/07

LITMAN ARCHITECTURE \$50. APPROVED – 05/16/07

A-10,298 – Name change from: J. Litman Architect

LIMITED LIABILITY COMPANY

CUBE 3 STUDIO, LLC \$100. APPROVED – 05/16/07

**DUANY PLATER-ZYBERK & CO., LLC \$100. LETTER BEING SENT –
QUESTION – HAS THE**

**Answered “yes” to question on solicited prior to being FIRM
OFFERED TO PROVIDE ARCH. IN RI -**

licensed. 05/16/07

PROUT ROBERT ELIAS, LLC \$100. APPROVED – 05/16/07

DEFER ACTION FOR LEGAL COUNSEL OPINION -

SAGE ARCHITECTURE + DESIGN, LLC \$100. 05/16/07

WINDIGO ARCHITECTURE, LLC \$100. APPROVED – 05/16/07

CORPORATIONS

**ARCHITECTURAL RESOURCES CAMBRIDGE, INC. - 0 - APPROVED –
05/16/07**

**A-14,168 – Change in Responsible Control –
Adding Philip Lee Laird**

**BIGNELL WATKINS HASSER ARCHS, P.C. \$100. APPROVED –
05/16/07**

**LEERS WEINZAPFEL ASSOC. ARCHS, INC. \$100. APPROVED –
05/16/07**

QUESTIONS

**BIGNELL WATKINS HASSER ARCHITECTS PA RESPONSE REC'D –
THE CO. DOES NOT HAVE**

**Previously reviewed on 04/18/07 ANY CURRENT PROJECTS IN RI –
05/16/07**

Letter sent asking for any all an current projects

Response rec'd and a new initial appl. rec'd –

SEE CORPORATIONS ABOVE

**INCLUSION BY DESIGN LLC LETTER BEING SENT TO MS. RAMOS -
RI SEC.**

**RI Secretary of State Question OF ST. – LANDSCAPE ARCH BD. –
05/16/07**

**Letter sent to Rosanne Ramos asking for any and
all current projects other than one or two family
dwellings-Letter sent 05/07/07 – Waiting for a response.**

DENIAL

**THE JOHNSON STUDIO LETTER SENT ASKING FIRM TO CERTIFY
THAT**

Letter sent requesting certification that the firm is THE FIRM IS NOT

CURRENTLY PRACTICING IN RI

**Not currently practicing architecture in RI since the - TO DATE, NO
RESPONSE REC'D – CONTINUE -**

COA application was denied- Letter sent 05/0707 – 05/16/07

Waiting for a response.

05/16/07

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